



MEMORANDUM

To: Honorable Chairperson and Members
Planning Advisory Board

Date: May 17, 2004

From: Pedro L. Velar
Assistant Director, Incorporation and
Annexation Services

Subject: City of Florida City
Annexation Application

BACKGROUND

On September 18, 2003 the City of Florida City Mayor and City Commissioners, pursuant to section 5.04 of the Miami-Dade Home Rule Charter and section 20-3 of the Code of Miami-Dade County, approved Resolution 03-29, requesting that Miami-Dade County effect the annexation of area C1 into the City's jurisdiction. On September 25, 2003, Mayor Otis T. Wallace of Florida City submitted an application for the annexation. The City's annexation application was submitted to the Board of County Commissioners (BCC) at the October 7, 2003 BCC meeting. On that date, the BCC accepted the application and forwarded it to the Miami-Dade Office of Strategic Business Management (OSBM) for review and further processing as required by Code. Certain required items were missing from the application. The application was complete in December, 2003.

On February 18, 2004, at a public hearing, the Boundaries Commission unanimously recommended approval of the proposed annexation. The principle issues raised at that hearing were the location of the annexation area outside of the urban development boundary and urban expansion area, and the significance of environmentally sensitive wetlands in the area to the continued health of the regional ecosystem. Boundaries Commission members based their recommendation on the existence of other safeguards due to the required approval of various state and local agencies prior to development in the area.

The City of Florida City annexation request is for an area bounded by US 1 and Card Sound Road on the west, SW 352 Street (theoretical) on the north, SW 137th Ave (theoretical), SW 147th Ave (theoretical), and SW 157th Ave (theoretical) on the east, and SW 360th St. (theoretical), SW 392nd St. (theoretical), and SW 404th Street (theoretical).

Although Section 20-3(E) requires that a resolution consenting to the annexation be obtained from any other municipality with a contiguous border to the annexation area, no such resolution has been obtained from the City of Homestead.

Pursuant to Code my office submits this report for your review and recommendation.

ANALYSIS

Facilities and Services

Police – Police service will be provided to the Annexation area by the Florida City Police Department. The city is reported to be constructing a new police headquarters building within two (2) miles of the annexation area. Florida City is located within the Cutler Ridge District. The Cutler Ridge Station is located approximately 15 miles from the annexation area.

This boundary change will not have a negative or significant impact at this time on the Miami-Dade Police Department's ability to service areas in unincorporated Miami-Dade County. It is expected that the loss of service areas will result in the reallocation of resources and enhance the delivery of police services to the remaining unincorporated area.

The Florida City Police Department currently consists of 17 sworn police officers, a fully trained SWAT team, a detective bureau, and a vice squad. The Department has eight (8) patrol cars.

The following table portrays all calls for uniform and non-uniform police calls within the 27 police grids comprising the area for the past three years.

Year	Criteria	All Calls	Emergency Calls (Code 3)	Priority Calls (Code 2)	Routine Calls
2000	Total Calls	35	0	0	35
	Avg. Response Min.	10:17	0	0	10:17
2001	Total Calls	59	4	5	50
	Avg. Response Min.	9:18	4:45	10:24	9:33
2002	Total Calls	67	6	6	55
	Avg. Response Min.	13:28	7:10	6:00	14:58

Fire and Rescue – The annexation area will remain a part of the Miami-Dade Fire Rescue District.

Fire and Rescue services in the annexation area do not mirror the remainder of the unincorporated area or the Fire Rescue District because the area is primarily

open land. Other than institutional buildings, there are no significant structures (note the absence of building fires). The increase in emergency service calls primarily result from vehicle accidents along Card Sound Road and grass fires.

Once annexed, the area may be developed with almost 900 residential dwellings, based upon the application, producing a service demand of more than 200 calls annually. Since part of the area is beyond the desired one and one-half mile distance from an existing or planned station, development may create the need for additional fire rescue stations.

	<u>2000</u>	<u>2001</u>	<u>2002</u>
Life-Threatening	4	10	12
Non-Life-Threatening	0	4	4
Building Fires	0	0	0
Other Fire	6	15	24
Miscellaneous	0	2	19
Total	10	31	59

Water and Sewer – The proposed Florida City annexation area is within the water and sewer service area of the Miami-Dade Water and Sewer Department (WASD). WASD is presently providing service to a small location in the southwest corner of Section 30 Township 57 Range 39 of the area and does not have water and sewer facilities in the rest of the proposed annexation area.

Pursuant to MDC Ordinance No. 89-95, at the time any portion of the proposed annexation property is considered for development, if the City wishes to provide water and sewer service, a determination would be made by WASD, on a case-by-case basis, of it's ability to provide water and sewer service. The decision will be dependent upon the type and timing of the development proposed to occur within the city.

Solid Waste -As the area proposed for annexation is largely vacant, the County does not provide waste collection service at this time and no impact on either the Department or the waste collection services provided to unincorporated municipal service area (UMSA) are anticipated.

As the County addresses it's disposal needs on a system wide basis and the City is proposing to use these services as development occurs, the annexation would have no immediate impact on the Department or the disposal services provided. Longer-term impacts will be addressed as development occurs.

It is critical to note that the City does not have an interlocal agreement for the use of County disposal services and also does not currently use County disposal services

(as is erroneously stated on page 12 of the application). The follow-up comment on page 17, that the County will fund disposal costs for (future) waste generated in the annexation area (via user fees), seems to acknowledge that the County will collect Waste in this area and charge a fee for that service.

In accordance with Ordinance No.96-30, since the City does not at this time have an interlocal agreement with the County regarding long term waste disposal, the area proposed for annexation will remain a part of the County's unincorporated municipal service area and residential waste service will be provided by the County. In accordance with that ordinance, were the City to elect to enter into a twenty - year waste disposal commitment with the County, the Department of Solid Waste Management (DSWM) could opt to delegate residential waste collection responsibilities to the City for a concurrent period of twenty years, provided that the cumulative impact of annexations that have taken place since February 16, 1996 do not significantly impact the DSWM's ability to meet debt coverage requirements or to hold down the cost of collection.

Street Maintenance – The Public Works Department (PWD) reports no significant issues concerning street maintenance. This annexation adds no lane miles to Florida City from the County.

The Public Works Department will retain the right of way for the following list of roads:

- SW 137th Avenue (Tallahassee Road) from SW 352nd Street to SW 360th Street.
- SW 142nd Avenue from SW 352nd Street to SW 360th Street.
- SW 147th Avenue (Three Mile Road) from SW 352nd Street to SW 392nd Street.
- SW 152nd Avenue (Kingman Drive) from SW 352nd Street to SW 392nd Street.
- SW 157th Avenue (Newton Road) from SW 352nd Street to Card Sound Road.
- SW 162nd Avenue (Farm Life School Road) from SW 376th Street to Card Sound Road.
- SW 167th Avenue from SW 352nd Street to Card Sound Road.
- Card Sound Road from U.S. 1 to SW 157th Avenue.
- SW 352nd Street from U.S. 1 to SW 137th Avenue.
- SW 360th Street from SW 152nd Avenue to SW 137th Avenue.
- SW 368th Street from Card Sound Road to SW 167th Avenue and from SW 162nd Avenue to SW 147th Avenue.
- SW 376th Street from SW 167th Avenue to SW 147th Avenue.
- SW 384th Street from Card Sound Road to SW 147th Avenue.
- SW 392nd Street from Card Sound Road to SW 147th Avenue.
- SW 400th Street from Card Sound Road to SW 157th Avenue.

This includes all of the apparent right of way within the proposed annexation area that also lies within the South Dade Wetlands acquisition project with one exception. There appears to be a rock road along portions of theoretical SW 364 street. However our records indicate only one dedication along theoretical SW 364 street. It is an isolated 25' wide right of way dedication beginning approximately 660' East of SW 152 Ave and runs East for approximately 330'. It does not connect to any other right of way indicated in our records.

Parks and Recreation –There are no Miami-Dade County parks within the Florida City annexation area. The annexation has no impact on the Parks and Recreation Department.

Environmental Resources Management –

General Comments:

The entire area in question is strategically significant in ongoing regional restoration, contains extensive wetlands and wildlife habitat, is physically remote from water management infrastructure, and is prone to flooding. DERM is therefore concerned about the Florida City annexation proposal and the compatibility of any potential development in this area with existing land use and zoning designations, environmental conditions, water quality, and water management goals.

DERM provides plan review, environmental permitting, water management, and endangered lands functions throughout the County, including within the proposed annexation area. Inasmuch as DERM's regulatory activities are enforceable under County Code in both incorporated and unincorporated area, annexation of the parcels in question will not affect our Department's authority. However, the possibility of future land use changes may diminish effectiveness and efficiency of environmental management functions within the area and in adjoining sensitive areas, and increase the need for environmental monitoring, compliance and enforcement services.

If no changes are proposed in land use designations (as stated in the application), it is not clear that municipal services will be needed or should be extended to the majority of the proposed annexation area, or that it is an isolated enclave. Furthermore, existing federal, state, and local environmental regulations are expected to limit the likelihood of residential or commercial development that would require infrastructure or other urban services in the majority of the area, and it is not clear how incorporation would benefit Florida City or the annexation area.

Detailed Review

A more detailed description of the services provided by DERM, information related to requirements of Ch. 24, and assessment of environmental issues associated with the proposed annexation area are included below.

1. Services provided by DERM in the subject areas include, but are not limited to:

I. Review and approval or disapproval of development orders,

This includes the following:

- Building Permits
- Zoning Actions
- Platting Actions (Land Subdivision)
- Building Occupancies (Residential and Nonresidential)
- Municipal Occupational Licenses

The department reviews applications for consistency with the requirements of Chapter 24. The review includes but is not limited to the following:

- Protection of public potable water supply wellfields
- Potable water supply
- Liquid waste disposal
- Stormwater management and disposal
- Tree resources preservation and protection
- Wetland preservation and protection
- Coastal resources preservation and protection
- Air quality requirements
- Flood protection

II. Operating Permits

Section 24-35 of the Code Authorizes DERM to require permits for any facility that could be a source of pollution. This includes a wide variety of nonresidential activities or facilities and some ancillary operations to residential land uses.

III. Pollution Prevention and Educational Programs

The DERM Office of Sustainable Environment and Education is responsible for promoting and coordinating pollution prevention programs, waste minimization programs, urban CO2 reduction and environmental education in general.

IV. Enforcement Activities

These include regular inspections of permitted facilities as well as of any potential source of pollution, responses to complaints and general enforcement operations.

2. The following information is being submitted as it relates to Code requirements enforced by DERM. Additionally, we are submitting information related to water supply, wastewater management, drainage, wetlands and environmentally endangered lands, and enforcement history.

Potable Water and Wastewater Disposal:

The area proposed to be annexed is presently within the Miami-Dade Water and Sewer Authority Department water and sewer franchised service area. However, the following comments are offered based on the presumption in the application that the area in question will be eventually transferred to the Florida City water and sewer franchised service area.

There is no public water service in the area proposed for annexation. The application package indicates that Florida City intends to provide potable water services to the area proposed for annexation, and that the City has adequate water treatment plant capacity for the additional water demands. DERM staff's review does not support this conclusion, but instead indicates the need to provide additional water treatment plant capacity.

DERM notes that the 4 MGD capacity rating apparently is based on the presumption that all of the City's public water supply wells are in continuous uninterrupted operation. DERM staff believes that a more appropriate capacity rating would be 2.7 MGD, reflecting one well out of service due to maintenance or equipment breakdown.

Furthermore, it is important for the facility to have the capacity for maximum-day, not just average-day, water demands. Based on this more conservative and appropriate criteria, staff has noted water demands as high as 4.3 MGD instead of the 2.8 MGD figure indicated in the City's application package. It is also noted that the

application package does not indicate what additional water demands are anticipated as a result of the proposed annexation.

Accordingly, it would be appropriate for the City to more thoroughly evaluate the following factors:

- The maximum-day capacity of the existing water treatment plant
- Existing water demands
- Projected water demands - including those resulting from the proposed annexation Design and construction of additional water treatment plant capacity

There is no public sanitary sewer service within the area proposed for annexation. The closer City of Florida City sanitary sewers are part of pump stations 8, 9 and 10 service areas. These service areas are located more than a quarter mile north of the NW corner of the area proposed for incorporation. Pump stations 8 and 10 are operating within the required parameters; however, pump station 9 is under moratorium since it has reached its operating capacity limit; therefore, this pump station has no capacity to handle any additional flows.

The sewage flows collected by the City's sanitary sewer system are discharged into the MDWASD system that directs the flow to the Miami-Dade County South District Wastewater Treatment. This treatment plant has a permitted capacity of 97 million gallons per day (MGD) and is currently running at 92.9 MGD.

Drainage:

DERM has received delegated authority to issue permits for the SFWMD, through issuance of the Environmental Resources Permits (ERP). Jurisdiction to require an ERP is countywide, and is dependent upon the size of the development. Said delegation, however, does not apply to projects within properties that have been determined to contain wetlands; therefore, any work located within properties containing wetlands must obtain ERPs directly from the SFWMD. DERM has also countywide permitting authority for the construction of stormwater overflow outfalls to a body of water.

Although smaller projects may be exempted from drainage permits from DERM, the County reserves the right to review any drainage

system within a municipality for water quality purposes. Usually a tracking system is created by the Municipality to require DERM comments before issuing a construction permit.

All (100%) of the proposed annexation area is located within the Model Lands drainage basin as defined by the SFWMD. Groundwater modeling in the Model Lands Basin has indicated the following information that is relevant to flood protection issues: Land north of SW 360th Street (approximately 1280 acres, or 30% of the proposed area) generally drains northward to the Florida City Canal, whose stages are controlled by the S-20F structure, located approximately 6 miles to the east on the Mowry (C-103) Canal. The remainder of the area generally drains southward via sheetflow across existing wetlands toward the coast. Groundwater stages south of SW 360th Street are controlled by the S-20 structure, which is located approximately 6 miles to the southeast on Levee 31 East. Water levels rise rapidly after heavy rains and remain high for several days. Future residential or commercial development is likely to increase localized flooding by trapping runoff that currently flows with minimal restriction over unpaved roads and through wetlands.

Additionally, DERM has concerns on the level of flood protection that will be provided to potential development within the subject annexation area. These concerns stem from a number of factors that include the following:

1. There are no drainage canals in this area, which would allow lowering of the ground water and move storm water to the east. In fact a drainage canal is not desirable, because salt water has already intruded into this area, and further intrusion west could negatively impact nearby water supply wellfields.
2. Proposed federal projects within this area, such as the Comprehensive Everglades Restoration Plan (CERP) C-111 Spreader Canal and Combined System Operating Procedures (CSOP), will cause a rise in the water table, which will result in a significant reduction in the capacity of future drainage systems within the area. A review of the present design elevation criteria for this area shows that the October water table elevation ranges from 2' to 3' (National Geographic Vertical Datum (NGVD)), and County Flood Criteria ranges from 5' to 6' (NGVD). A modification of this design criterion, which will result in more restrictive development requirements, is strongly

recommended prior to considering the design of any new development in the proposed area.

3. In addition, the design of the Biscayne Bay Coastal Wetlands (BBCW) Project in the (CERP) includes discharging water through sheet flow to the south, into the proposed annexation area. It is therefore staff's belief that the BBCW project and future development in this area are not compatible. Development in this area would severely hamper effectiveness of the BBCW project, and conversely the BBCW project would severely hamper the effectiveness of any stormwater management system associated with future development.

Wetlands Regulation

All (100%) of the proposed annexation area is located within the South Dade Wetlands Basin. Although the basin boundaries are not intended to indicate jurisdictional status of each parcel within the basin, inclusion within this basin indicates that it is highly likely there are jurisdictional wetlands present in most or all of the proposed annexation area, including areas that may have been in agricultural use. Soils throughout are predominantly marls, which are poorly drained, low-lying soils that are associated with seasonally flooded freshwater wetlands.

Any work (eg. filling, excavation, rockplowing, land clearing, construction of roads or other infrastructure) in jurisdictional wetlands will require a Class IV Permit from Miami-Dade County, and may also require permits from the U.S. Army Corps of Engineers (ACOE), and from the State of Florida; either the Florida Department of Environmental Protection (DEP) or the SFWMD. Because of the sensitivity and value of the wetlands in this area, this would likely be a complex and challenging process. The wetlands in this region provide habitat for numerous endangered species, including the Florida panther and the indigo snake along with numerous wading bird species such as the wood stork, roseate spoonbill, and white heron. They also are hydrologically connected to coastal waters of lower Biscayne Bay, Card Sound, Barnes Sound and Florida Bay, which are designated Outstanding Florida Waters and are part of two National Parks. Any work affecting surface or groundwater flow or quality may affect these downstream resources, and would be considered in the evaluation of permit applications for work in this area. Construction of infrastructure or urban development would complicate management and protection of adjoining environmentally sensitive lands, aggravate habitat fragmentation and hydrologic impacts, and increase risk of secondary impacts or unpermitted work in wetlands. This in turn would

require additional environmental monitoring, compliance and enforcement presence to protect remaining resources in the region.

The application acknowledges the existence of wetland dredge (rockmining) and fill permits issued to Atlantic Civil, Inc. to excavate a lake and fill to raise elevations on portions of their land to support agriculture. These permits require extensive on-site mitigation, preservation through conservation easements, and transfer of some lands to the State of Florida. Much of the area identified for mitigation surrounds or abuts parcels currently permitted for filling for agriculture. Development of rights-of-way for drainage, water supply, wastewater, utility or transportation infrastructure that would be associated with future development would be likely to have direct or secondary impacts to mitigation lands, which would be in conflict with preservation and restoration goals. Furthermore, urban development of adjoining lands could hinder ecological effectiveness of on-site mitigation activities. The permittee is currently seeking modifications or new permits to excavate some or all of the area previously authorized for agriculture filling. Filling or work associated with land uses or purposes not approved at the time of permit issuance would require further modifications or new applications. Should annexation efforts proceed, consideration should be given to removing mitigation parcels and undeveloped wetlands from the annexation area.

Regional Restoration and Environmental Lands Acquisition:

Over three quarters of the proposed annexation area has been designated for acquisition by either the County's Environmentally Endangered Lands (EEL) Program and the SFWMD or both, in recognition of the significance of these wetlands to continued health of the regional ecosystem, and land acquisition activities are ongoing. The EEL Program and SFWMD intend to continue acquiring land in this area regardless of its municipal status, therefore it will be important for the County to retain control over all currently designated rights-of-way in the region. Retaining the rights-of-way will save the County substantial acquisition costs in future negotiations because these need not be acquired, and will preserve access through the area to conduct land management activities on existing public lands and nearby lands that may be acquired in the future.

The CERP proposes to restore more environmentally compatible freshwater flows to the Everglades and hydrologically connected coastal wetlands and estuaries, including Biscayne Bay and Florida Bay, while at the same time assuring adequate water supply and maintaining flood protection for urban and agriculture areas. Two

CERP or CERP-related projects directly involve the South Dade Wetlands and Model Land basin: the C-111N Spreader Canal Project and the Biscayne Bay Coastal Wetlands Project. The entire proposed annexation area has been identified as necessary for full functioning of these important projects.

Similarly, the Board of County Commissioners has recognized the important connection between water management, environmental values, and land use in south Miami-Dade, and is therefore working with several other government agencies and a community advisory committee to complete a comprehensive South Miami-Dade Watershed Study, to evaluate the most sustainable growth and development strategies for this area. The restoration and enhancement of these regions is vital to protecting and improving the quantity, quality and timing of freshwater delivery to these estuaries and maximize their value for fisheries and wildlife resources, yet data collection and modeling to support specific recommendations are still underway. It would be premature to proceed with actions that facilitate residential or commercial development of this area without appropriate information on how these areas will be integrated into these watershed management approaches. Such action could interfere with optimum design and full implementation of CERP and other regional restoration projects, which in turn could prevent accomplishment of benefits to the existing urbanized area in this part of the County. It could also increase the potential impacts to adjoining environmentally sensitive lands from exotic invasive species, habitat fragmentation, or altered surface water flow patterns, and therefore increase the costs of management and restoration of remaining sensitive lands.

Hazardous Waste:

A database search was conducted to identify sites with current or historical contamination issues. The sites listed below were identified, however, there may be sites that have not been included in the search:

Blaystrain Enterprise
402 SE 1 Ave.
UT-3187

Petroleum contaminated site. Currently in a state administered cleanup program.

Florida City Mobil
401 SE 1 Avenue
UT-5123

Petroleum contaminated site. Currently in a state administered cleanup program.

Florida City Hess
311 SE 1 Avenue
UT-4308
Petroleum contaminated site.

Petromania
505 SE 1 Avenue
UT-5421
Petroleum contaminated site.

Jacks Bait & Tackle
35412 S Dixie Hwy.
UT-2602
Former petroleum contaminated site. Case closed on December 31, 1994.

Conclusion:

DERM has concerns regarding the City's ability to provide potable water, sanitary sewer, and drainage services to the areas proposed to be annexed. DERM is also concerned that potential future land use changes and ensuing urban development may result in increased flooding conditions due to increased stormwater management difficulties and in reduced levels of protection and restoration for natural resources within this area.

Urban development or land uses in some or all of the proposed annexation area are in conflict with or may limit opportunities for on-site and regional environmental restoration and water management goals. The Department therefore cannot support this annexation request in its present configuration. A decision about annexation in this strategically significant area would benefit from completion, or significant progress toward completion, of the ongoing South Miami-Dade Watershed Study. A reconfigured annexation area, which omits or minimizes inclusion of mitigation parcels, undeveloped jurisdictional wetlands, and environmentally endangered lands may also be a more viable approach.

Annexation Guidelines:

The following analysis addresses the factors required for consideration by the Planning Advisory Board pursuant to Chapter 20 of the County Code.

1. The suitability of the proposed annexation boundaries, in conjunction with the existing municipality, to provide for a municipal community that is both cohesive and inclusive.

- a) The area does not divide a Census Designated Place, (an officially recognized traditional community).**

The proposed annexation area is entirely located outside a 2000 Census Designated Place (CDP).

- b) In no adjacent unincorporated area has a majority of ethnic minority or lower income residents petitioned to be in the annexation area.**

No adjacent unincorporated areas with a majority of ethnic minority or lower income residents have petitioned to be in the annexation area.

- c) The area is not, nor does it create, an unincorporated enclave area (surrounded on 80 percent or more of its boundary by municipalities) that cannot be efficiently or effectively served by the County.**

The boundaries of the proposed annexation area and those of the Cities of Homestead and Florida City do not create an unincorporated enclave.

- d) The boundaries are logical, consisting of natural, built, or existing features or city limits.**

In general, the proposed annexation area's boundaries are logical, consisting of a combination of existing and theoretical rights-of-way, including major, section line and half-section line roads. Specifically, the area is bounded on the north by SW 352 Street (half-section line); on the east by SW 137, SW 147 and SW 157 Avenues (all section line); on the west by Card Sound Road and U.S. 1 (both major roads); and on the south by SW 392 (section line road) and SW 400 Street (half-section line road). As expected for an area that is outside the UBD, the majority of these roadways, except for Card Sound Road and U.S. 1, are unimproved or theoretical.

2. The existing and projected property tax cost for the municipal-level service to the average homeowners in the area currently as unincorporated and as included as part of the annexing municipality.

	<u>Millage Rate</u>	<u>Millage x Taxable Value</u>
<u>City of Florida City</u>	8.900	\$61,406
Municipal Millage		
<u>Unincorporated Area</u>		
UMSA Millage	2.447	\$16,883
Increase	6.453	\$44,523

3. Relationship of the proposed annexation area to the Urban Development Boundary (UDB) of the County's Comprehensive Development Master Plan (CDMP).

The proposed annexation area is entirely outside the 2005 Urban Development Boundary (UDB) of the County's Comprehensive Development Master Plan (CDMP). The County's Land Use Policy 2B states that "priority in the provision of services and facilities and the allocation of financial resources for services and facilities in Miami-Dade County shall be given first to serve the area within the Urban Development Boundary (UDB) of the 2005-2015 Land Use Plan Map (LUP)."

In its application the City proffers the extension of its services, including utilities, into the proposed annexation area. This proposed activity is **inconsistent** with the CDMP's mandate that urban services and facilities that support or encourage urban development in agriculture and open land areas shall be avoided. The policies of the CDMP clearly prioritize the provision of services to the areas inside the UDB first and areas within the designated 2015 Urban Expansion Area (UEA) second. The proposed annexation is entirely located outside the UDB and the UEA.

Thus far, the Board of County Commissioners has only approved three annexations of areas partially outside the UDB. The 1996 annexation to the City of Homestead and the 2003 annexations to the Cities of Hialeah and Hialeah Gardens were all partially located outside the UDB and inside the UEA. No annexations have been approved outside the UEA.

4. Impact of the proposal on the revenue base of the unincorporated area and on the ability of the County to efficiently and effectively provide services to the adjacent remaining unincorporated area.

The total taxable value of the annexation area is \$6,899,594. The area generates approximately \$20,000 in UMSA revenues. The County spends approximately \$18,000 per year providing services to the area. Therefore, the net revenue loss to UMSA is approximately \$2,000, considered revenue neutral.

Section 20-8 of the County Code allow the County to retain all franchise fees for the term of the current franchise agreement, and utility tax revenues in perpetuity, for the area if annexed. For the proposed Florida City annexation, franchise fees totaling approximately \$2,000 and utility taxes of approximately \$5,000 will be retained by Miami-Dade County. (See attachment.)

5. Fiscal impacts of the proposed annexation on the remaining unincorporated area. Specifically, does the per capita taxable value of the area fall within the range of \$20,000 to \$48,000?

The annexation area is not populated and a per capita taxable value can not be calculated.

6. Consistency with the Land Use Plan of the County's Comprehensive Development Master Plan (CDMP).

According to the Future Land Use Plan map of the County's Comprehensive Development Master Plan (CDMP), the future/planned land use designations within the proposed annexation area are "Agriculture," "Open Land," "Environmental Protection," and "Institutional." A brief description of these CDMP land uses follows:

The "Agriculture" land use designation is for lands considered the best agricultural land remaining in the County. The principal uses permitted under this designation are agriculture, ancillary uses to farming, and farm residences.

The "Open Land" land use designation is for lands not needed for urban uses between now and the year 2005 and lands that have been set aside for uses other than urban development. Specifically, the area designated "Open Land" within the proposed annexation area is located in the CDMP's "Open Land Subarea 5 – South Dade." The CDMP states that future uses that may be considered for this Subarea include seasonal agriculture, limestone quarrying and ancillary uses, compatible institutional

uses, public facilities, recreational uses, communications and rural residences at 1 unit per five acres.

The "Institutional" land use designation allows institutional uses and utilities of metropolitan significance. Such uses as major hospitals, medical complexes, colleges, universities, regional water supply, wastewater and solid waste utility facilities are allowed under this classification.

The "Environmental Protection" designation applies to those areas in the County most environmentally significant, most susceptible to environmental degradation and where such degradation would adversely affect the supply of potable fresh water or environmental systems of county, regional, state or national significance. Specifically, the area designated "Environmental Protection" within the proposed annexation area is located in Environmental Protection Subarea E - Southeast Wetlands. The CDMP defines this area as being low lying, poorly drained, flood prone and characterized primarily by high-quality wetland communities. Uses which could be considered for approval in this area include low-coverage rural residential use at a maximum density of one dwelling unit per five acres or low-coverage communications, utility or recreation facilities. In addition, the CDMP states that approval of any use and its related access road in this area should be conditioned on its demonstrated consistency with the adopted goals, objectives and policies of the of the CDMP and its conformity with all prevailing environmental regulations. Because of the importance of maintaining the natural form and function of the areas designated Environmental Protection, many of these areas have been slated for purchase by State or federal agencies. Miami-Dade County will encourage the acquisition of these areas by public or private institutions that will manage these areas toward this objective. The Environmentally Endangered Lands (EEL) Program of Miami-Dade County is actively pursuing the purchase of lands within the area designated Environmental Protection in the proposed annexation area.

In its application for annexation, the City of Florida City states that it would adhere to County planned land uses and existing zoning. However, the application also states that upon annexation of the subject area, the City will file a CDMP plan amendment to "formally add the new Area to the Future Land Use Map," thus requiring a movement of the UDB line. The City's proposal, as stated above, is **inconsistent** with the goals, objectives, policies and Land Use Plan Map of the County's CDMP. Pursuing the development of environmentally sensitive and flood prone areas outside the UDB and UEA is contrary to the adopted policies of the CDMP and may set a detrimental precedent in Miami-Dade County.

On February 18, 2004, the South Florida Regional Planning Council (SFRPC) held, as provided for in the Florida Statutes, a pre-application conference on a proposed development of regional impact (DRI) located within the proposed annexation area and outside the UDB. In summary, the proposed DRI calls for 6,000 residential units, 300,000 square feet of retail, 90,000 square feet of office, 1,800 theater seats, 240 hotel rooms and 60 acres of park. A concurrent CDMP amendment to move the UDB and to change the land uses to allow the proposed DRI is expected to be filed in the near future. This proposed development appears to be inconsistent with the intent advanced by the annexation application.

With respect to development, in the southern part of the County, below SW 184th Street, and within the Urban Development Boundary, there is currently a fourteen-year supply of land for residential development. In the next few years this supply is very likely to be supplemented by land use changes around the urban centers along the South Dade Busway and by implementation of methods to assure higher density generally within the South Miami-Dade Watershed Study Area. Even a modest increase in density from 5 to 6 units per acre would result in an additional 12,000 units allowed in the South Tier of the County (below SW 184th St.). Moreover, if the existing (UEA) were to be opened for development, several thousand more housing units would be possible. More importantly, this growth would be occurring in areas more suitable from an environmental standpoint and much easier and less expensive to provide urban services. Thus, the proposed annexation and associated development plans for the area are **inconsistent** with the goals, objectives, policies and Land Use Plan Map of the County's CDMP.

In addition, the Board of County Commissioners, at the adoption hearing of the County's Evaluation and Appraisal Report (EAR) on October 28, 2003, requested a series of analysis/studies related to the UDB to be performed within two years.

Further, the Agriculture and Rural Area Study and the South Dade Water Management Plan are two major planning efforts, currently underway, that are aimed at guiding the future of southern Miami-Dade County, including the proposed annexation area. The purpose of the Agriculture and Rural Area Study is to collect and analyze data concerning the long-term economic outlook of Miami-Dade County's agricultural industry and develop recommendations to enhance the industry's economic vitality. This 26-month Study is nearing its completion and its findings will be presented to the County-established Citizens' Advisory Committee and the Agricultural Practices Study Advisory Board prior to final action by the Board of County Commissioners. On the other hand, the purpose of the

South Dade Watershed Plan is to formulate an integrated land use and water management strategy for southeastern Miami-Dade County that will ensure the protection and enhancement of the environmental, economic and community values of the area. This 26-month effort that began in the fall of 2003 would also, upon completion, be submitted to the Board of County Commissioners for final action. It is anticipated that implementation of the recommendations of these studies, including those related to the UDB, will require CDMP amendments. Until these studies and subsequent amendments to the CDMP are approved by the Board of County Commissioners, the Department will continue to be guided by the current CDMP policies as well as by the Strategic Plan of Miami-Dade County which under its first goal states that the County is "to protect viable agriculture and environmentally-sensitive lands" and that there will be "no net loss of agricultural or environmentally sensitive land."

Finally, it is critical to the functioning of a metropolitan government that the County ensure that any municipality, whether through annexation or incorporation, will not infringe on the ability of the County to protect important resources of countywide importance and to control land uses outside the UDB. Therefore, the City must attain enforceable assurances (such as an interlocal agreement) that the land uses that will occur outside the UDB will be consistent with adopted County policy, as provided in Sec. 2-116.1.2 of the County Code.

The table below reports the 2000 land use profile of the proposed annexation area. As expected for an area located completely outside the Urban Development Boundary (UDB), a little over two-thirds of the annexation area is undeveloped/vacant and 21.2 percent of the area is in agriculture use. The table also shows that residential, commercial and industrial uses in the proposed annexation area are relatively non-existent (commercial and industrial) or below the one percentile (residential).

2001 Land Use Table

<u>Land Use</u>	<u>Annexation Area (Acres)</u>	<u>Annexation Area (Percent of Total)</u>	<u>Miami-Dade County (Acres)</u>	<u>Miami- Dade County (Percent of Total)</u>
Residential	0.7	0.0	99,385.4	6.4
Commercial	0.0	0.0	13,776.1	0.9
Industrial	0.0	0.0	17,200.2	1.1
Institutional	58.0	1.4	12,950.6	0.8
Parks/Recreation	139.5	3.2	787,907.6	50.9
Communication/Utilities	249.1	5.8	86,065.5	5.6
Agricultural	907.7	21.2	80,355.3	5.2
Undeveloped	2,912.5	68.0	135,421.9	8.7
Inland/Costal Waters	16.7	0.4	315,654.7	20.4
Total:	4,284.2	100.0	1,548,717.3	100.0

Source: Department of Planning and Zoning, Research Section, Dec., 2003

The most significant issue arising from the annexation area proposal is that of growth management with respect to two Countywide policies: 1) The subject annexation area is outside of the County's Urban Development Boundary that is used to contain urban sprawl, protect agriculture and environmentally sensitive areas, and guide public facility investment, and 2) The subject annexation area includes areas designated Environmental Protection, many of these areas have been slated for purchase by State or federal agencies and are of great environmental importance. The City states that it will follow the County's CDMP designation for this area. This appears to be inconsistent with a proposed DRI application, which is within the proposed annexation boundary. Florida City's annexation application does not acknowledge this proposed development. Additionally, its comprehensive master plan does not contain the tools to provide the controls that are necessary to address all the countywide significant issues that are present within the proposed annexation area. Under Florida's local government comprehensive planning laws, the City would assume jurisdiction to change land use policy through normal procedures once the area is annexed to the City. Additionally, the Watershed Plan and related studies are being currently conducted to determine the full range of development options and their impacts, type and amount of development and the appropriate locations for such development. Until the determination has been made that this area is appropriately designated for urbanization, transfer of the growth management jurisdiction of this key area at this time is inappropriate. The Planning and Zoning Department, therefore, recommends a **denial** of the proposed Florida City Annexation.

The Planning Advisory Board shall also consider the following guidelines:

- 1. Is the annexation compatible with existing planned land uses and zoning of the municipality to which the area is proposed to be annexed?**

The existing land uses in the proposed annexation area are open space, agriculture, communication/utilities, institutional, and environmentally protected land/wetlands. The existing underlying zoning is AU, Agriculture, and GU, interim. As previously stated, the entire proposed annexation area is located outside the County's UDB, thus its land uses and zoning are rural in nature while the land uses of the City of Florida City, located entirely inside the UDB, are of an urban/suburban nature. In general, agricultural and institutional uses in the proposed annexation area are consistent with the land uses and zoning within the City of Florida City and inside the UDB. On the other hand, some of the uses permitted in the areas designated Open Land, such as rock mining, are considered not compatible with urban development and should be properly buffered.

- 2. Will the area, if currently qualified, continue to be eligible for any benefits derived from inclusion in federal or state enterprise zones, or targeted area assistance provided by federal, state and local government agencies?**

The proposed annexation area includes a CDBG eligible block group, 114.02,3 which is the County's area of eligibility for funding. At this time OCED does not have any ongoing activity specific to this block group. The City of Florida City does not participate in the County's CDBG program but participates in the State's Small Cities Program. Any funding in this area would come out of the City of Florida City's Small Cities Program. It would still be eligible for CDBG funding but would not receive the same priority as Neighborhood Revitalization Strategy Areas or low mod block groups in UMSA.

- 3. Will the annexation impact public safety response times?**

Neither The Miami-Dade Police Department (MDPD) nor the Miami-Dade Fire Rescue Department (MDFRD), expect any negative impact on emergency response times as a result of this annexation. MDFD however, reports that response time may not be sufficient if significant development occurs.

4. Will the annexation introduce barriers to municipal traffic circulation due to existing security taxing districts, walled communities, and/or private roads?

Transit services do not appear to be impacted by any of these possibilities. Further input may be needed from the Departments of Planning and Zoning, and Public Works.

5. Will the annexation area be served by the same public service franchises, such as cable and communication services, as the existing municipality, or will it have full access to all available municipal programming through its franchises provider?

The proposed annexation area will continue to be served by the same cable television and telecommunication operators as before. The area will not have an impact on our ability to license and enforce our cable TV regulations.

Currently, the Florida City area is receiving cable services from Adelphia Cable Communications. There will be no changes in cable services for the proposed annexation area. BellSouth Entertainment has a cable television license for all unincorporated areas, but our records indicate that they are not currently serving this area.

Telecommunications service providers are required to register with the County only if they have facilities located within the unincorporated areas. The purpose of the registration process is to determine users of the County's Rights-at-Way. Therefore, companies that have facilities within the proposed Florida City annexation area will no longer be required to register with the County. Any municipality requesting annexation will be responsible for managing its public thoroughfares.

Municipal programming is accomplished through separate agreements between municipalities and the cable operators providing services within each municipality. The cable operator's obligation to broadcast municipal meetings is outlined in these agreements. Technically, cable operators have the ability to add municipal programming to the proposed annexed areas if required.

6. If the area has been identified by the federal government as a flood zone or by emergency planners as an evacuation zone, has the existing municipality indicated its preparedness to address any extraordinary means that may arise?

The entire proposed annexation area is located within the federally designated, 100-year floodplain. This area will flood under sustained rains

and property owners within it are required to obtain flood insurance. The entire proposed annexation area is located within the County designated hurricane evacuation zone "B." According to the County's Office of Emergency Management, this zone will be evacuated dependant upon a hurricane's track and projected storm surge, independent of the hurricane's category. No specific emergency preparedness plans for the proposed annexation area have been submitted to the County at the time of this report. Evacuation of the proposed annexation area could probably deteriorate the evacuation efforts of southern Miami-Dade County and Monroe County.

7. Will the annexation area be connected by public transportation to municipal government offices and commercial centers?

The northeast corner of the proposed Florida City Annex Area "C1" is serviced by the Dade-Monroe Express. This route provides transit service from Florida City to the Upper Florida Keys with fifteen (15) trips daily, connecting City Hall, shopping centers and points where transfers to Metrobus Routes 35, 70 and Busway MAX may be made. In addition, an extension of the South Miami-Dade Busway is presently under construction, providing further connectivity to the other areas of Miami-Dade County. Also, longer term, a Metrorail connection along the old FEC RR right-of-way has been identified in the Peoples' Transportation Plan for implementation utilizing the proceeds of the half-cent sales tax. This rail extension to Homestead/ Florida City shows as a latter priority in the Plan.

8. To the degree possible, would the proposed annexation area be contained in one or more school district boundaries governing admission to elementary, middle and high school as the adjoining municipality?

Yes, the area is contained within the same school district boundaries as the adjoining unincorporated area and municipalities. The schools are Campbell Drive Elementary, Campbell Drive Middle, and Homestead Senior High Schools. As expected, future development of the proposed annexation area will significantly impact these schools. As shown in the table below, the Florida Inventory of School Houses (FISH) utilization rate of Homestead Senior High, 129 percent, is higher than the acceptable utilization rate of 115 percent. The FISH utilization rate of Campbell Drive Elementary, 114 percent, is just below the acceptable rate.

School	Florida Inventory of School Houses (FISH) Capacity Utilization Rate* (Percent)
Campbell Drive Elementary	114
Campbell Drive Middle	99
Homestead Senior High	129
* As agreed with the School Board, the acceptable FISH utilization rate by Miami-Dade County is 115 percent until the year 2005. Beyond 2005 the acceptable utilization rate decreases gradually to 100 percent by the year 2015. Source: Information compiled by the Miami-Dade County Department of Planning and Zoning.	

Recommendation

The proposed annexation area is outside of the County's adopted Urban Development Boundary and Urban Expansion Area that are used to contain urban sprawl, protect agricultural and environmentally sensitive areas, and guide public facility investment. The area includes land designated Environmental Protection and is of great environmental significance for southern Miami-Dade County.

A series of planning studies are being conducted to determine the future land use needs of southern Miami-Dade County. Until the determination has been made that this area is appropriately designated for urbanization, the transfer of the growth management jurisdiction to any municipality is inappropriate. Therefore, it is recommended that this application be denied.

Attachment – Map

Financial Impact To UMSA Worksheet

Cc: Alex Munoz, Assistant County Manager
David Morris, Director, OSBM
Jennifer Glazer-Moon, Director Designate, OSBM



Financial Impact To UMSA
City of Florida City
Area C1 Annexation

Based on FY 02-03 Budget	Assumptions	Total Annexation Area
2003 Taxable Property Rolls		\$6,899,594
2000 Census Population		0
2002-03 UMSA Millage		2.447
Police Calls for Service for 2002		67
Cost per Police Call		\$200
Cost per Lane Mile		\$1,380
Number of Lane Miles		0
Per Capita Taxable Value		N/A
Gross Revenue Loss to UMSA		
Property Tax Revenue	Allocation based on tax roll & millage	\$16,000
Franchise Fees	Retained by the County	
Sales Tax	Allocation based on \$59 per person	\$0
Utility Taxes	Retained by the County	
Communications Tax	Allocated based on tax roll/population	\$4,000
Alcoholic Beverage License	Allocation based on \$0.21 per person	\$0
Occupational License	Allocation based on \$3.17 per person	\$0
Fines and Forfeitures	Allocation based on \$6.57 per person	\$0
Interest	Allocation based on .53% of all revenues	\$0
Miscellaneous Revenues	Allocation based on \$0.80 per person	\$0
Gross Revenue to UMSA		\$20,000
Cost of Providing UMSA Services		
Police Department	Based on police calls	
	Local Patrol	\$10,000
	Specialized & Other	\$4,000
Parks and Recreation Dept	Based on cost of parks	\$0
Public Works		
	Lane Road Miles	Lane miles times cost per lane mile
		\$0
Planning, Team Metro and others	Direct cost times 9.3%	\$1,000
QNIP (Debt and pay-as you-go)	Direct cost times 11.7%	\$2,000
Policy Formulation/Internal Support	Direct cost times 5.3%	\$1,000
Cost of Providing UMSA Services		\$18,000
Net Budget Loss to UMSA		\$2,000
Value of one mill		\$6,555
Millage rate at 100% Mitigation		0.305
Revised: January 14, 2004		
Assumptions:		
1. Does not include gas tax funded projects		
2. Does not include canal maintenance revenues or expenses		
3. Does not include proprietary activities: Building, Zoning, Solid Waste		
4. County retains franchise fees (\$2,000) and utility taxes (\$5,000)		
5. Revenues are based on allocations not actuals		
6. Does not include stormwater utility bond debt service of \$0 per year		